

Hon. John H. Chun

---

**UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON AT SEATTLE**

---

Kurt <b>Benshoof, A.R.W.</b> by and		
through his father Kurt Benshoof,		
Brett <b>Fountain</b> , Urve <b>Maggitti</b> ,		
Plaintiffs,		
v.		No. 2:24-CV-00808-JHC
Andrea <b>Chin</b> , et al.		
Defendants.		

---

**JUDICIAL NOTICE OF FACTS**

I, the undersigned, ask this Honorable Court to take judicial notice, as authorized and mandated by Federal Rule of Evidence 201, of specific facts that are not subject to reasonable dispute.

**A. INTRODUCTION, FACTS**

1. Fact: I am one of the plaintiffs in this case.
2. Fact: Magalie Lerman is one of the defendants in this case.
3. Fact: Jessica Owen is one of the defendants in this case.
4. As a co-plaintiff, I am not only authorized to serve defendants with the summons and complaint, but also I share in the responsibility to perform such service. Fed. R. Civ. Proc. 4(c)(1).

"The plaintiff is responsible for having the summons and complaint served ... and must furnish the necessary copies to the person who makes service."

5. Defendants Magalie Lerman and Jessica Owen have both been so served. See attached proofs of service on Lerman (Exhibit A) and Owen (Exhibit B).

**B. GROUNDS**

6. A court can take judicial notice of facts not subject to reasonable dispute if the facts can be accurately and readily determined from sources whose accuracy cannot reasonably be questioned. Fed R. Evid. 201(b); *Ritter v Hughes Aircraft Co.*, 58 F.3d 454, 458 (9th Cir. 1995); see *Dippin' Dots, Inc. v Frosty Bites Distrib.*, 369 F.3d 1197, 1204-05 (11th Cir. 2004).

7. I believe that the official court record in this case, as maintained by the court clerk, is, for these facts herein noticed, a source whose accuracy cannot reasonably be questioned.

8. A court must take judicial notice of a fact if a party properly requests it and supplies the court with the necessary information. Fed R. Evid. 201(c)(2).

9. The necessary information is herein, and in the attached Exhibits A and B.

10. A court must instruct the jury to accept the noticed fact as conclusive. Fed. R. Evid. 201(f).

11. Therefore, I ask that, after this Court receives the evidence, the jury be instructed to accept these facts as conclusive.

### C. CONCLUSION

For these reasons, Plaintiff asks this Court to promptly take judicial notice of the above facts, receiving them all into evidence, and to then instruct the jury that the Court has taken judicial notice and instruct the jury to accept the noticed facts as conclusive.

### D. DECLARATION

I declare, under penalty of perjury under the laws of the United States of America, that the foregoing is true and correct.

EXECUTED on this 9th day of March 2025.

/s/ Brett Fountain

Plaintiff, Declarant

### E. CERTIFICATE OF SERVICE

I certify that on this 9th day of March 2025, a copy of this Judicial Notice document and its two (2) exhibits are all being sent by me as follows:

- Clerk, United States District Court, Washington Western District at Seattle, via fax (206) 553-0882
- Co-Plaintiff Urve Maggitti, via fax (610) 947-5116
- Co-Plaintiff Kurt Benshoof c/o KCCF, via fax (206) 296-0168

/s/ Brett Fountain

Sender



50309 KB407 JN-S.1 **Exhibit A:** Service of Process upon Defendant Lerman

AO 420 (Rev. 05/13) Summons in a Civil Action (Page 2)

Civil Action No. 2:24-cv-00808-JHC

**PROOF OF SERVICE***(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))*

This summons for *(name of individual and title, if any)* Margalie E. Lerman  
was received by me on *(date)* 3/6/2025

☒ I personally served the summons on the individual at *(place)* KC Superior Court's hallway  
516 3<sup>rd</sup> Ave, Seattle WA 98104 on *(date)* 3/6/2025; or

☐ I left the summons at the individual's residence or usual place of abode with *(name)* \_\_\_\_\_,  
a person of suitable age and discretion who resides there,  
on *(date)* \_\_\_\_\_, and mailed a copy to the individual's last known address; or

☐ I served the summons on *(name of individual)* \_\_\_\_\_, who is  
designated by law to accept service of process on behalf of *(name of organization)* \_\_\_\_\_,  
on *(date)* \_\_\_\_\_; or

☐ I returned the summons unexecuted because \_\_\_\_\_; or

☐ Other *(specify)*: \_\_\_\_\_

My fees are \$ 0 for travel and \$ 50 for services, for a total of \$ 50.00

I declare under penalty of perjury that this information is true.

Date: 3/8/2025

Benjamin Blanchard  
*Server's signature*

Benjamin Blanchard  
*Printed name and title*

3201 Santa De Zephyr Hills FL 33541  
*Server's address*

Additional information regarding attempted service, etc:

I Believe I served Ms. Lerman, who was accompanying  
Jessica Owens while leaving KCSC. and served her  
in Hallway of the 3<sup>rd</sup> floor, Outside of Judicial  
Court Room 355.

50309 KB407 JN-S.1 **Exhibit B: Service of Process upon Defendant Owen**

AO 140 (Rev. 06-12) Summons in a Civil Action (Page 1)

Civil Action No. 2:24-cv-00808-JHC

**PROOF OF SERVICE**

(This section should not be filed with the court unless required by Fed. R. Civ. P. 4(f))

This summons for (name of defendant and title, if any) Jessica Owen  
 was received by me on (date) March 5, 2025

☒ I personally served the summons on the individual at (place) King County Courthouse,  
3rd Floor (on date) March 6, 2025, or

☐ I left the summons at the individual's residence or usual place of abode with (name) \_\_\_\_\_  
 a person of suitable age and discretion who resides there,  
 on (date) \_\_\_\_\_ and mailed a copy to the individual's last known address, or

☐ I served the summons on (name of individual) \_\_\_\_\_ who is  
 designated by law to accept service of process on behalf of (name of organization) \_\_\_\_\_  
 on (date) \_\_\_\_\_, or

☐ I returned the summons unexecuted because \_\_\_\_\_, or

☐ Other (specify): \_\_\_\_\_

My fees are \$ 0.00 for travel and \$ 0.00 for services, for a total of \$ 0.00

I declare under penalty of perjury that this information is true.

Date: March 6, 2025

Jason T. Colberg  
 Server's signature

Jason T. Colberg  
 Printed name and title

17750 33rd Ave. NE, Lake Forest Park, WA  
 Server's address 98155

Additional information regarding attempted service, etc:

Ms. Owen responded affirmatively to her name when I recognized her walking down the hallway (with another woman). When I stated she was being served and was handing her the service documents, she said, "Owen, not this bullshit again," turned her shoulders and folded arms away, and let the documents fall to the floor. I had turned my body so as not to intimidate her, and did not see if she picked them up.